

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v. Plaintiff,

**Criminal No. 03-CR-197
(TJM)**

KONSTANTYN PEKERMEN,

Defendant.

FINAL ORDER OF FORFEITURE

WHEREAS, on June 10, 2004, this Court entered an Order of Forfeiture, ordering
forfeited defendant's interest in the properties set forth below; and,

WHEREAS, the United States caused the Order of Forfeiture to be published in the Wall
Street Journal, a national newspaper of general circulation, notice of this forfeiture and of the
intent of the United States to dispose of the property in accordance with the law and as specified
in the Order of Forfeiture, and further notifying all third parties of their right to petition the Court

within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property; and

WHEREAS, no timely third party claims have been filed with respect to the assets listed below (*see* ¶¶ 1 through 4); and

WHEREAS, on April 14, 2005, this Court entered a Supplemental Order of Forfeiture, ordering forfeited defendant's interest in the properties set forth below; and

WHEREAS, the United States caused the Supplemental Order of Forfeiture to be published in the Wall Street Journal, a national newspaper of general circulation, notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law and as specified in the Order of Forfeiture, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property; and

WHEREAS, no timely third party claims have been filed with respect to the assets listed below (*see* ¶ 5); and

WHEREAS, on July 14, 2005, the government provided a letter to the Court, notifying the Court that the Order of Forfeiture and Supplemental Order of Forfeiture will become the Final Order of Forfeiture as no ancillary claims were filed; and

WHEREAS NOW, the government seeks the instant Final Order of Forfeiture to be used to finalize the restoration process, whereby forfeited assets are used to satisfy the Court's restitution Order.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the following properties listed in the June 10, 2004, Order of Forfeiture are hereby forfeited to the United States of America pursuant to Title 18, United States Code, Section 982, incorporating Title 21, United States Code, Section 853:

1. MONEY JUDGMENT

- (a) A money judgment in the amount of \$2,052,592.00;

2. BANK OF AMERICA ACCOUNTS

- (a) \$868.16 in United States Currency, representing the contents of an account from Bank of America;
- (b) \$3.70 in United States Currency, representing the contents of an account from Bank of America;
- (c) \$25.64 in United States Currency, representing the contents of an account from Bank of America;
- (d) \$89.05 in United States Currency, representing the contents of an account from Bank of America;
- (e) \$79.40 in United States Currency, representing the contents of an account from Bank of America;
- (f) \$1.26 in United States Currency, representing the contents of an account from Bank of America;
- (g) \$43.00 in United States Currency, representing the contents of an account from Bank of America;
- (h) \$4,012.93 in United States Currency, representing the contents of an account from Bank of America;
- (i) \$12,029.24 in United States Currency, representing the contents of an account from Bank of America;
- (j) \$18,056.32 in United States Currency, representing the contents of an account from Bank of America;
- (k) \$66,285.43 in United States Currency, representing the contents of an account from Bank of America;

3. TD WATERHOUSE ACCOUNTS

- (l) \$1,730.47 in United States Currency, representing the contents of an account from TD Waterhouse;

- (m) \$2,964.52 in United States Currency, representing the contents of an account from TD Waterhouse;
- (n) \$3,931.59 in United States Currency, representing the contents of an account from TD Waterhouse;

4. NETBANK ACCOUNTS

- (o) \$1,104.39 in United States Currency, representing the contents of an account from NetBank;
- (p) \$4,192.33 in United States Currency, representing the contents of an account from NetBank;
- (q) \$1,582.85 in United States Currency, representing the contents of an account from NetBank;
- (r) \$2,944.15 in United States Currency, representing the contents of an account from NetBank;
- (s) \$440.13 in United States Currency, representing the contents of an account from NetBank;
- (t) \$256.01 in United States Currency, representing the contents of an account from NetBank;
- (u) \$1,770.30 in United States Currency, representing the contents of an account from NetBank;
- (v) \$1,116.94 in United States Currency, representing the contents of an account from NetBank;
- (w) \$2,167.00 in United States Currency, representing the contents of an account from NetBank;
- (x) \$2,220.91 in United States Currency, representing the contents of an account from NetBank;
- (y) \$857.23 in United States Currency, representing the contents of an account from NetBank;
- (z) \$3,438.59 in United States Currency, representing the contents of an account from NetBank;
- (aa) \$1,888.24 in United States Currency, representing the contents of an account from NetBank;

- (bb) \$2,309.40 in United States Currency, representing the contents of an account from NetBank;
- (cc) \$462.84 in United States Currency, representing the contents of an account from NetBank;
- (dd) \$873.20 in United States Currency, representing the contents of an account from NetBank;
- (ee) \$2,035.67 in United States Currency, representing the contents of an account from NetBank;
- (ff) \$226.42 in United States Currency, representing the contents of an account from NetBank;
- (gg) \$3,417.51 in United States Currency, representing the contents of an account from NetBank;
- (hh) \$1,848.09 in United States Currency, representing the contents of an account from NetBank;
- (ii) \$1,423.64 in United States Currency, representing the contents of an account from NetBank;
- (jj) \$2,242.83 in United States Currency, representing the contents of an account from NetBank;
- (kk) \$835.23 in United States Currency, representing the contents of an account from NetBank;
- (ll) \$399.19 in United States Currency, representing the contents of an account from NetBank;
- (mm) \$2,043.91 in United States Currency, representing the contents of an account from NetBank;
- (nn) \$2,458.49 in United States Currency, representing the contents of an account from NetBank;and
- (oo) \$1,124.93 in United States Currency, representing the contents of an account from NetBank.

and the following properties listed in the April 14, 2005, Supplemental Order of Forfeiture:

5.

BANK ACCOUNTS

- (a) \$81,431.73 in United States Currency, representing the contents of an account from Bank of America;
- (b) \$2,869.68 in United States Currency, representing the contents of an account from NetBank;
- (c) \$1,700.67 in United States Currency, representing the contents of an account from NetBank;

The total of the above cash, cash proceeds and any and all monies paid by the defendant shall be credited toward the money judgment amount of \$2,052,592.00 referenced above.

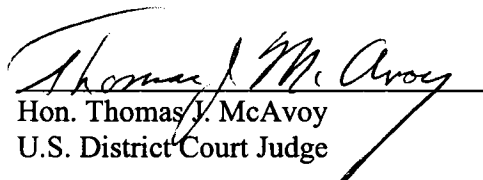
NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that all right, title and interest to the above-referenced properties are hereby condemned, forfeited and vested in the United States of America and shall be disposed of according to law.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order;

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Clerk of the Court shall forward six certified copies of this Order to the United States Attorney's Office, 218 James T. Foley Courthouse, 445 Broadway, Albany, New York, Attention: Assistant U.S. Attorney Thomas A. Capezza.

SO ORDERED:

Dated: April 15, 2008


Hon. Thomas J. McAvoy
U.S. District Court Judge